

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ OCT 17 2005 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

Plaintiff,

-against-

*CR*  
05 ~~CV~~ 0146 (SJ)

MEMORANDUM  
& ORDER

JOHN BRUNSON,  
also known as "Junior,"

Defendant.

-----X  
A P P E A R A N C E S:

ROSLYNN R. MAUSKOPF, ESQ.  
United States Attorney  
Eastern District of New York  
147 Pierrepont Street  
Brooklyn, New York 11201  
By: Cameron R. Elliot, Esq.  
Jeffrey Rabkin, Esq.  
Attorney for Plaintiff

CHARLES S. HOCHBAUM, P.C.  
44 Court Street, Suite 307  
Brooklyn, New York 11201  
By: Charles S. Hochbaum, Esq.  
Attorney for Defendant

JOHNSON, Senior District Judge:

On September 16, 2005, Magistrate Judge Robert M. Levy issued a Report and  
Recommendation ("Report") finding that the motion of defendant John Brunson

("Defendant") to suppress the photo spread identification made of Defendant on February 2, 2005 should be denied.

A district court judge may designate a magistrate to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon de novo review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id.

The Court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, objections to Judge Levy's Report were due within ten days of receipt of the September 16, 2005 Report. No objections were filed with this Court. Upon review of the Report, this Court therefore adopts and affirms the Report of Magistrate Judge Levy in its entirety.

SO ORDERED.

Dated: October 11, 2005  
Brooklyn, New York

1  
s/SJ

2  
Senior U.S.D.J.